UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

MORGAN STANLEY & CO. INCORPORATED,

Plaintiff.

-against-

CONRAD P. SEGHERS,

Defendant.

Civ. No. 10 Civ. 5378 (DLC)(JCF)

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 8/10/10

ORDER TO SHOW CAUSE AND TEMPORARY RESTRAINING ORDER

Upon the Declaration of David Zalman, dated August 6, 2010, and the exhibits annexed thereto, together with Plaintiff's previously filed Motion for Preliminary Injunction (Docket Nos. 5-8) and good cause therefore being shown, Plaintiff, having moved this Court for an Order requiring Defendant Conrad P. Seghers to show cause before this Court why an Order should not be issued granting a temporary restraining order enjoining Defendant from pursuing an arbitration filed before the Financial Industry Regulatory Authority in Dallas, Texas (the Line Language of State and Facility Authority in Court of the Financial Industry Regulatory Authority in Dallas, Texas (the Line Language of State and Facility), and it appearing that good cause and reasons exist for issuing this Order it is hereby:

Denise L. Cote, in Courtroom 11B, United States Courthouse, 500 Pearl Street, in the City

an August 10, 2010

County and State of New York, on August ____, 2010, at _____ o'clock in the ____ noon thereof,

or as soon thereafter as counsel may be heard, why a temporary restraining order should not be

entered pursuant to Rule 65 of the Federal Rules of Civil Procedure enjoining Seghers from

pursuing the Texas Arbitration on the grounds that (i) Defendant waived any alleged right to

arbitrate; (ii) this Court previously dismissed the claims Defendant seeks to arbitrate as untimely; and (iii) claims are therefore barred by the doctrine of *res judicata*; and it is further

ORDERED, that pending the hearing and determination of the application herein,

Defendant is enjoined from pursuing the Texas Arbitration; and it is further

ORDERED, that service by overnight mail of a copy of this order and annexed declaration upon Defendant Conrad P. Seghers on or before ________o'clock in the ________noon, August /2, 2010, at 1606 Palomino Ridge Drive, Austin, TX 73733-6046 shall be deemed good and sufficient service thereof; and it is further

ORDERED, that briefing on Plaintiff's Motion for a Preliminary Injunction shall be conducted in accordance with the Court's Order of August 2, 2010 [Docket No. 9].

DATED: New York, New York

DATED: New York, New York

August 10, 2010

United States District Judge